

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR
THE TOWN OF FREDERICK REGARDING THE USE DESIGNATION
FOR THE WESTERVELT PROPERTY**

WHEREAS, Town of Frederick approved annexation of the Westervelt Property into the Town in August, 1995 and entered into an annexation agreement with James and Carolyn Westervelt setting the terms for annexation; and

WHEREAS, the current owners of the Westervelt Property desire to develop the property and have requested an amendment to the Town of Frederick Comprehensive Plan to better designate the appropriate uses intended on the property; and

WHEREAS, pursuant to Chapter 4 of the Frederick Land Use Code, the Comprehensive Plan may be amended through application to the Town and satisfaction of review criteria; and

WHEREAS, on May 5, 2009, the Frederick Planning Commission held a public hearing on the proposed Comprehensive Plan amendment and subsequently approved the amendment.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. The *Comprehensive Plan, Frederick, Colorado* published by the Town of Frederick Planning and Zoning Commission on April 20, 2006, along with accompanying maps, plats, charts and descriptive material, has been adopted as the master plan for the three-mile area surrounding the Town of Frederick, as required by C.R.S. 31-12-105 (1) (e).

Section 2. The Board of Trustees for the Town of Frederick, Colorado find that the Westervelt Property has been included in the Town's boundaries since 1995, and pursuant to an Annexation Agreement, dated August 24, 1995 (Rec. # 2458422), was incorporated into the Comprehensive Plan as a Planned Unit Development (PUD) district.

Section 3. The Frederick Planning Commission held a public hearing on May 5, 2009 to hear an application by the current owners of the Westervelt Property to amend the Comprehensive Plan to redesignate the zoning on the property from PUD to Business-Light Industrial (B-LI) and Commercial-Employment (C-E).

Section 4. After evaluation under the Land Use Code, the Commission adopted Resolution PCR-09-05A approving the proposed comprehensive plan amendment.

Section 5. The Board has reviewed PCR-09-05A, and finds that the review criteria set forth in Sec. 4-7.2d. of the Land Use Code for an amendment to the Comprehensive Plan have been met by the current application.

Section 6. The Board hereby approves the proposed amendment and directs staff to make the appropriate updates to the *Comprehensive Plan, Frederick, Colorado*, and to file copies of the same as may be required with the County Clerk and Recorder

Section 7. Effective date. This ordinance shall be published and become effective as provided by law.

Section 8. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 9. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS _____ DAY OF _____, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor